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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,276	10/13/2003	Bryan Severt Hallberg	TAL:7146.0174	3332

152 7590 12/12/2007

CHERNOFF, VILHAUER, MCCLUNG & STENZEL
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EXAMINER	
WERNER, DAVID N	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
12/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	10/684,276	HALLBERG ET AL.	
	Examiner	Art Unit	
	David N. Werner	2621	

All Participants:

(1) *David N. Werner*.

(2) *Kurt Rohlfs*.

Status of Application: *Reply to First Action received*

(3) _____.

(4) _____.

Date of Interview: *29 November 2007*

Time: *2:15 PM*

Type of Interview:
- ☒ Telephonic
- ☐ Video Conference
- ☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No
If Yes, provide a brief description:

Part I.

Rejection(s) discussed:
Obvious-type Non-Statutory Double Patent against Patent 7,298,959 B1 and Application 10/722,854

Claims discussed:
5-14

Prior art documents discussed:
US 7,298,959, JP 2001-094552 A, "MPEG-2 Video Data Simulator" (Goswami et al).

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:
See Continuation Sheet

Part III.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

(Examiner/SPE Signature) (Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Since current application has been amended so that its claims are of the same scope as parent 7,298,959, the claims are allowable over the prior art. However, as requested by Applicant in the Amendment of 19 September, terminal disclaimers are required against the parent Patent and co-pending divisional application to prevent further rejection on the grounds of non-statutory double patenting.

The closest applicable prior art is the Goswami et al. paper cited in the First Action on 05 June 2007. Japanese Patent Application Publication 2001-094552 discloses the same invention as the present application (see especially figure 4), but does not qualify as prior art under 35 U.S.C. 102(e) since it was not filed in the United States.